

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES A. LAPHEN,

Defendant.

4:14-CR-3133

ORDER

This matter is before the Court on the government's Motion for an Order Authorizing Compliance with 18 U.S.C. § 3771 Using Reasonable Alternative Measure (filing 30). Section 3771(a) provides that crime victims have, among other things, the right to timely notice of any public court proceeding involving the crime of which they were a victim. 18 U.S.C. § 3771(a)(2). The government has a duty to use best efforts to see that victims are notified of and accorded the rights described in § 3771(a). 18 U.S.C. § 3771(c)(1). The Court likewise has a duty to ensure that victims are afforded these rights. 18 U.S.C. § 3771(b)(1). However, in a case where the Court finds that the number of victims makes it impracticable to accord all of the victims the rights described above (including individual notice), the Court "shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings." 18 U.S.C. § 3771(d)(2).

The government represents that there may be thousands of potential victims in this case, and that the government has yet to identify and locate many of them. The government represents that it will send notice by mail to certain shareholder victims in this case as they are identified. The government proposes that it be allowed to provide notice to other victims by publishing information about this case on the Department of Justice's victim notification website, <http://www.usdoj.gov/criminal/vns>, as it has done in a number of other cases.

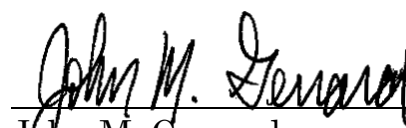
The Court finds that the number of alleged victims in this case makes it impracticable to provide all of the potential victims with individual notice. The Court further finds, pursuant to § 3771(d)(2), that the government's proposal is a reasonable procedure to give effect to the notice requirements of § 3771(a). And, the Court notes, the defendant has not opposed the government's motion.

IT IS ORDERED:

1. The government's Motion for an Order Authorizing Compliance with 18 U.S.C. § 3771 Using Reasonable Alternative Measure (filing 30) is granted.
2. The government shall comply with 18 U.S.C. § 3771 by sending mailings to TierOne shareholder victims as they are identified, and by publishing information about this case on the Department of Justice's victim notification website, <http://www.usdoj.gov/criminal/vns>.

Dated this 8th day of December, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
United States District Judge